

REMARKS

This Amendment is filed in response to the Office Action mailed June 24, 2005. All objections and rejections posed by the Examiner are respectfully traversed. Accordingly, reconsideration is respectfully requested.

Claims 1, 3-8, 10-11, 13-15, and 17 are in this case.

Claims 2, 9, 12, and 16 were cancelled without prejudice.

Claims 1-17 were rejected.

Claims 1, 3, 6, 11, and 13 are amended to better claim the invention.

Claim Rejections – 35 U.S.C. § 102

In paragraph 2 of the Office Action, claims 1-7 and 9-17 were rejected by the Examiner under 35 U.S.C. 102(b) as being anticipated by Seamon, U.S. Application No. 2002/0121322 dated September 5, 2002 (hereinafter Seamon).

By way of background, Seamon teaches of a handbag having an accessory compartment that can be secured into a pocket of the handbag using two pairs of fasteners. The pocket swings open at an angle of less than 90 degree and held back from full extension by straps attached to either side of the pocket. Once the pocket is held open, the accessory compartment can be positioned within the pocket. See page 1, paragraph 10. The straps do not secure the compartment in the pocket of the handbag, instead the compartment must then be secured to the pocket by engaging the fastener on the front cover to the inner wall of the pocket and the fastener on the back cover to the outer wall of the

pocket. See page 1, paragraph 11. Furthermore, Seamon describes a conventional closure arrangement in which the pocket completely lies over the surface area in which a document is stored, and completely encloses the document loosely, within a cavity, not under flattening tension. See Fig. 1-4.

Conversely, the Applicant's invention relates to a business accessory, such as a portfolio, having a pocket flap for holding a range of conventional documents or other items. The pocket flap is joined to the business accessory by elastic strips on opposing sides of the flap, the elastic strips generate tension and are constructed and arranged to maintain a holding friction that lays the pocket flap flat against the documents (i.e. thin documents), and unattached to the business accessory along the side edges and front edge except at the elastic straps. Unlike the straps in Seamon's invention, the elastic strips in the Applicant's invention are alone sufficient, in their flattening tension, to secure documents in a pocket without the use of another fastening device. Furthermore, Applicant provides a novel tapering and recessed shape that reveals the documents within the pockets in an area between the base edge and the elastic strip that allows presence of documents to be known even when fully secured in the pocket under the flattening tension. See page 4, line 20 to page 6, line 10. This is nowhere taught or suggested by Seamon or other art of record.

Applicant has amended claims 1 and 11 to address the rejection under 35 U.S.C. 102 in view of Seamon. In particular, Applicant now claims a pair of elastic strips connected between each side edge near the front edge and a location on the business accessory and the elastic strips generating tension and being constructed and arranged to main-

tain a holding friction against the documents, and the front edge and pair of side edges being unattached to the exterior cover except by the pair of elastic strips wherein at least one of the side edges has a recessed shape that reveals the documents within the pockets in an area between the base edge and the elastic strip.

This is in direct contrast to Seamon where straps are used to hold back a pocket from full extension, not generate tension and maintain a holding friction against documents to secure the documents in the pocket. Seamon's invention utilizes fasteners to secure an item in the pocket, as the straps are not designed to secure with a holding tension that lays the pocket flat against documents as in the Applicant's invention. Likewise, Seamon describes a conventional closure arrangement in which the pocket completely lies over the surface area and cavity in which an item is stored, not a tapered and recessed pocket that reveals documents within the pockets in an area between the base edge and elastic straps. Therefore, the provisions of a tapered and recessed pocket with holding tension described and claimed by the Applicant is nowhere taught or suggested in the prior art taken alone or in any combination.

For a claim to be anticipated under Section 102 it must recite each and every element of the reference. In view of the foregoing, amended claims 1 and 11 recite features neither taught nor suggested by Seamon. Accordingly claims 1 and 11 as amended are believed to be allowable thereover.

Claim Rejections – 35 U.S.C. § 103

In paragraph 4 of the Office Action, claim 8 was rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable by Seamon.

Applicant respectfully notes that claim 8 is a dependent claim that is dependent on an independent claim believed to be in condition for allowance. Accordingly, claim 8 is believed to be in condition for allowance.

In the event that the Examiner deems personal contact desirable in disposition of this case, the Examiner is encouraged to call the undersigned attorney at: (617) 951-2500.

All independent claims (claims 1 and 11) are believed to be in condition for allowance.

All dependent claims (claims 2-10 and 12-17) are believed to be dependent from allowable independent claims, and therefore in condition for allowance.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



William A. Loginov
Reg. No. 34,863
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500